

*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Emergency Rules

### ■ HOMEOWNER ASSISTANCE

The ILLINOIS HOUSING DEVELOPMENT AUTHORITY adopted a new Part by emergency rulemaking titled Homeowner Assistance Fund Programs (47 IAC 302; 45 Ill Reg 13447) effective 10/6/21 for a maximum of 150 days. The emergency rule establishes a Homeowner Assistance Fund (HAF) program funded via the federal American Rescue Plan Act (ARPA) to mitigate hardships to homeowners caused by the COVID-19 public health emergency. Eligible homeowners must have an annual income at or below 150% of area median income. At least 60% of available funds will be reserved for homeowners whose income is at or below 100% of the area or nationwide median income. Remaining funds will be prioritized for assistance to socially disadvantaged individuals; the rule establishes a rebuttable

### COVID-19 ACTIONS

Executive Orders of the Governor concerning the COVID-19 public health emergency can be accessed at <https://www2.illinois.gov/government/executive-orders>. Emergency rules adopted by State agencies will be summarized in The Flinn Report as they are published in the *Illinois Register*.

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presumption that individuals who self-identify as Black, Hispanic, Native or Asian Americans or Pacific Islanders are socially disadvantaged. Application forms and procedures will be posted on the IHDA website in English and Spanish and may be made available in other languages if feasible. HAF grants of up to

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## Proposed Rulemakings

### ■ LONG TERM CARE

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Authorized Electronic Monitoring in Long-Term Care Facilities (77 IAC 389; 45 Ill Reg 13152) implementing the Authorized Electronic Monitoring in Long-Term Care Facilities Act [210 ILCS 32]. The Act and the new Part allow, and set conditions for, voluntary electronic monitoring of resident rooms in skilled/intermediate care nursing homes, Intermediate Care Facilities for the Developmentally Disabled (ICF/DD), Medically Complex for the Developmentally Disabled (MC/DD) facilities, and supportive living or other specialty facilities for persons with Alzheimer's or other dementia. Electronic monitoring of a resident may be implemented only with the consent of the resident or the resident's authorized

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

# Emergency Rules

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\$30,000 per eligible household may be applied to mortgage payments, principal reductions, or interest rate reductions; utility payments including electric, natural gas, and water service; internet services, including broadband; homeowner's insurance, flood insurance, or mortgage insurance; homeowner's association fees or liens; down payment assistance loans from nonprofit or government entities; delinquent property taxes; home repairs needed to maintain habitability; or other measures to prevent homeowner displacement. An eligible mortgage servicer that receives HAF funds on behalf of an eligible homeowner must agree not to initiate foreclosure, breach of contract, or other action against the homeowner for nonpayment of the mortgage or other fees during the period covered by the grant or during a period when a State or federal foreclosure moratorium was in effect. (Foreclosure may still be pursued for other legally permissible reasons.) Funds may also be awarded to eligible agencies for counseling or educational efforts to prevent foreclosure or displacement; planning, community engagement, needs assessment, and administrative expenses (not to exceed 15% of the funding received); or reimbursement of funds expended by a local government between 1/21/20 and the date the HAF grant was received. HAF grants may also be made to housing stability services (HSS) providers such as

community or faith-based organizations, legal assistance groups, counseling agencies, and other entities that specialize in housing or community outreach/engagement. Grants are subject to the conditions of ARPA and the State's Grant Accountability and Transparency Act and may be recaptured in the event of default, fraud or other failure to comply with program rules. Those affected by these rulemakings include eligible households, eligible mortgage servicers, and community or nonprofit organizations that qualify for HSS grants.

*Questions/requests for copies: Kathryn Finn, IHDA, 111 E. Wacker Drive, Suite 1000, Chicago IL 60601.*

## ■ CANNABIS DISPENSARIES

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted an emergency amendment to Cannabis Regulation and Tax Act (68 IAC 1291; 45 Ill Reg 13442), effective 10/12/21 for a maximum of 150 days. An identical proposed amendment appears in this week's *Illinois Register* at 45 Ill Reg 13149. The emergency and proposed rules implement Public Act 102-98, which allows holders of early approval adult use cannabis dispensary licenses (issued to businesses originally established as medical cannabis dispensaries under the medical cannabis pilot program) to apply for relocation of the dispensary license if the city or county in which the dispensary is located prohibits

adult use cannabis sales and has approved the dispensary's plans to relocate. DFPR must approve or deny relocation applications within 30 days, otherwise the application is approved by default. After DFPR has approved a relocation application, the licensee must submit floorplans for the new location, which DFPR must approve or reject within 10 days of submission. The new location must also pass a building and site inspection by DFPR before it opens for business. Those affected by these rulemakings include cannabis dispensary owners and units of local government.

*Questions/requests for copies/ comments on the proposed rulemaking through 12/6/21: Craig Cellini, DFPR, 320 W. Washington, 2nd Floor, Springfield IL 62786, 217/785-0813, fax: 217/557-4451.*

## Proposed Rulemakings

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representative and, if applicable, the resident's roommate or roommate's representative. Monitoring devices must be installed at the resident's or family's own expense, subject to conditions imposed by the facility (e.g., requiring professional installation in compliance with building codes). A facility that houses dementia patients may

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# Adopted Rules

## LEARNING STANDARDS

The STATE BOARD OF EDUCATION adopted amendments to Public Schools Evaluation, Recognition and Supervision (23 IAC 1; 45 Ill Reg 4379 and 6397) effective 10/8/21, combining two separately proposed rulemakings. These

rulemakings add standards for computer science education and Spanish Language Arts to the Illinois Learning Standards contained in Appendix D. The proposed standards for computer science are based on the Computer Science Teachers Association's (CSTA) K-12 Computer Science Standards,

which were last revised in 2017. The proposed standards include 7 core practices contained in the CSTA standards (fostering an inclusive computing culture, collaborating around computing, recognizing and defining computational problems,

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## Proposed Rulemakings

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only place electronic monitoring devices in residents' rooms in buildings that are entirely dedicated to dementia care. The rule prescribes the content of electronic monitoring consent forms, which include standard restrictions that the resident/representative or roommate may place upon electronic monitoring (e.g., prohibiting audio recording, allowing the device to be turned off while the resident is dressing or receiving a medical or family visit). Monitoring devices may never be used to take still photographs or for the nonconsensual interception of private communications, and may not be turned off, disconnected or obstructed without the resident or representative's written consent. If a resident and roommate do not agree on whether to allow electronic monitoring, the resident who wants electronic monitoring must be given an opportunity to move to another shared room or to a private room (for which the resident must pay the private room rate). Facilities in which electronic monitoring is used must post

signage at entrances notifying visitors that some residents' rooms may be monitored; a separate sign must be posted outside each room that is electronically monitored. Residents of nursing homes, ICF/DD and MC/DD facilities are affected by this rulemaking.

*Questions/requests for copies/ comments through 12/6/21: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, (217)782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

### COLLEGE SAVINGS

The OFFICE OF THE STATE TREASURER proposed amendments to College Savings Pool (23 IAC 2500; 45 Ill Reg 13169) that clarify provisions related to the Treasurer's administration of the college savings program, incorporate recent changes to federal law and regulations, and include apprenticeship program expenses and repayment of student loans as qualifying expenses pursuant to PA 102-186. Beneficiaries and holders of

college savings accounts may be affected by this rulemaking.

*Questions/requests for copies/ comments through 12/6/21: Barbara Delano, Office of the State Treasurer, 100 W. Randolph St., Suite 15-600, Chicago IL 60601, 217/720-0677, fax: 312/ 814-5930, [BDelano@illinois.treasurer.gov](mailto:BDelano@illinois.treasurer.gov)*

### ■ SOS RULE WITHDRAWAL

The SECRETARY OF STATE withdrew a proposed amendment to Certificates of Title, Registration of Vehicles (92 IAC 1010; 45 Ill Reg 11799) that appeared in the 10/1/21 *Register*. The proposed amendment would have established a maximum Electronic Registration and Titling (ERT) fee of \$35 (currently, \$25) for sales conducted over the counter at businesses that participate in the ERT program. During subsequent reviews of the proposed rule and public comment, SOS determined that the rulemaking would not meet the intended goal of increasing the amount of funds an ERT provider could collect from a vendor. A new rulemaking will be filed later.

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developing and using abstractions, creating computational artifacts, testing and refining computational artifacts, and communicating about computing) plus two additional practices added by SBE's working group: analyzing the effects of computing advancements on society, economy and culture, and reflecting on and revising one's computational thought processes and those of others. Subjects to be addressed at each grade level include devices; hardware and software; troubleshooting; internet use and cybersecurity; data collection, storage and analysis; algorithms and programming; the impacts of computing on individuals and society; and emerging technologies. The K-12 learning standards for Spanish Language Arts parallel existing English Language Arts standards and form the basis for a statewide Spanish Language Assessment. These standards include the ability to ask and answer questions about key ideas, characters and events in a text; determine the meaning of words and phrases; determine the theme of a story, drama or poem; compare and contrast different works of literature; and demonstrate knowledge of foundational works of Hispanic-American literature, as well as documents of historical significance (e.g., declarations of independence of Hispanic-American countries) from the 17<sup>th</sup> through 20<sup>th</sup> centuries. Students will also be expected to learn

Spanish phonics, word recognition and grammar, including the use of accent marks and other punctuation. Those affected by this rulemaking include students and teachers enrolled in or teaching computer science or dual language/bilingual public school curricula.

## BILINGUAL EDUCATION

SBE adopted an amendment to Transitional Bilingual Education (23 IAC 228; 45 Ill Reg 6465) effective 10/8/21, replacing an emergency amendment that expired 8/20/21. The rulemaking concerns screening and placement of preschool through 12<sup>th</sup> grade students whose native language is not English and have not yet attained English fluency. It allows a provisional screening instrument designated by the State Superintendent to be used when students are participating in remote learning due to a health and safety emergency. If the emergency ends before the annual English Proficiency Exam, students who received the provisional screening and have not yet taken the proficiency exam will be screened with one of the two screening instruments currently prescribed in rule. If a student takes the English Proficiency Exam after the provisional screening, the exam results will be used for screening purposes and the student will not require additional screening.

SBE also adopted amendments to State Seal of Biliteracy (23 IAC 680; 45 Ill Reg 4740) effective 10/

8/21, that allow alternate means for a student to demonstrate proficiency in a non-English language when the targeted language has more than, or fewer than, the four domains (speaking, writing, listening and reading) normally used to establish proficiency. The criteria for demonstrating proficiency in English are also expanded to include attainment of a qualifying score on an Advanced Placement English Language and Composition exam or transitional/dual credit coursework in English language arts through a public community college. (The State Seal of Biliteracy may be added to a student's diploma or transcript by a public or nonpublic high school to recognize the student's attainment of a high level of proficiency in English and at least one other world language.)

*Questions/requests for copies/ comments on the 3 SBE rulemakings: Azita Kakvand, SBE, 100 N. First St., Springfield IL 62777-0001, 217/782-6510, [rules@isbe.net](mailto:rules@isbe.net)*

## ■ DRIVER'S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 45 Ill Reg 5337) and Commercial Driver Training Schools (92 IAC 1060; 45 Ill Reg 5340), effective 10/5/21, replacing emergency amendments that expired 9/5/21. The amendments to both Parts extend indefinitely the duration of

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an SOS pilot program, previously scheduled to last 12 months, through which commercial driver training schools may administer road tests to license applicants under age 18 who have completed a driver education course. Additionally, amendments to Part 1030 expand access to the Safe Driver Renewal Program (SDRP) allowing certain drivers to renew their licenses by mail, telephone or online without visiting an SOS Driver Services facility. Persons whose previous renewal was conducted through SDRP or online, or whose driver's license has been expired more than one year due to COVID-19 related

circumstances, may use the SDRP procedure again if they are not disqualified for other reasons (e.g., age, driving record). Formerly, drivers could not renew via SDRP if their license was expired more than one year or if their previous renewal had been completed by mail, phone or online.

*Questions/requests for copies of the 2 SOS rulemakings: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217/785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

### LAW ENFORCEMENT

The ILLINOIS STATE POLICE adopted amendments to the Part

titled Certification and Training of Electronic Criminal Surveillance Officers (20 IAC 1295; 45 Ill Reg 6590) effective 10/5/21, updating training and certification requirements for these officers. The rulemaking reflects changes in communication technology and eliminates the certification categories of Electronic Criminal Surveillance Officer (ECSO) II and III so that only one level of ECSO certification is required.

*Questions/requests for copies: Maureen B. McCurry, ISP, 801 S. 7<sup>th</sup> Street, Suite 1000-S, Springfield IL 62703, 217/782-7658.*

## JCAR Meeting Action

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At its 10/19/21 meeting, the Joint Committee on Administrative Rules took the following actions. All other rulemakings on this month's agenda received No Objection.

### OBJECTION

JCAR objected to the Illinois Housing Development Authority emergency rulemaking titled COVID-19 Affordable Housing Grant Program (47 IAC 369; 45 Ill Reg 11866) because it refers to program documents for grant program requirements that should be in rule. Sec. 1-70 of the Illinois Administrative Procedure Act requires all agency statements of general applicability that implement, apply, interpret, or prescribe law or policy affecting the rights of persons outside an agency to be maintained in rule. Furthermore, JCAR recommends that IHDA work with JCAR Staff prior to filing emergency rules to help address rule style prior to adoption.

### RECOMMENDATION

With respect to the Department of Revenue's modification of an emergency rule titled Leveling the Playing Field for Illinois Retail Act (86 IAC 131; 45 Ill Reg 12152) in response to a JCAR Objection, JCAR recommended that DOR take into consideration the impact on businesses when changing policy in the middle of a taxing year. JCAR further recommends that DOR utilize more direct communications to affected entities whenever policy changes occur.

### EXTENSION

JCAR and the Department of Financial and Professional Regulation agreed to extend the Second Notice period for the rulemaking titled Cannabis Regulation and Tax Act (68 IAC 1291; 45 Ill Reg 9527) an additional 45 days. This rulemaking will be considered again at the Nov. 16 meeting.

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agency listed below, commencing the JCAR review period. These rulemakings will be considered at the November 16, 2021, meeting to be held in Chicago. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF HUMAN SERVICES

WIC Vendor Management Code (77 IAC 672; 45 Ill Reg 9702) proposed 8/6/21

Child Care (89 IAC 50; 45 Ill Reg 8607) proposed 7/16/21

## Joint Committee on Administrative Rules

<b>Senator Bill Cunningham, <i>co-chair</i></b>	<b>Representative Tom Demmer</b>
<b>Senator John F. Curran</b>	<b>Representative Michael Halpin</b>
<b>Senator Donald DeWitte</b>	<b>Representative Frances Ann Hurley</b>
<b>Senator Kimberly Lightford</b>	<b>Representative Steven Reick</b>
<b>Senator Tony Muñoz</b>	<b>Representative Curtis Tarver, II</b>
<b>Senator Sue Rezin</b>	<b>Representative Keith Wheeler, <i>co-chair</i></b>

**Kim Schultz  
Executive Director**